

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

21-06439 BKAOD02
BROCK & SCOTT, PLLC
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Mount Laurel, NJ 08054
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Attorneys for Freedom Mortgage Corporation

In Re:

William J Leighton aka William Leighton, Jr.



Order Filed on September 12, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 19-25452-JNP

Hearing Date: _____

Judge: JERROLD N.
POSŁUSNY, JR

Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

DATED: September 12, 2023

A handwritten signature in dark ink, appearing to be "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant:	<u>Freedom Mortgage Corporation</u>
Applicant's Counsel:	<u>Matthew Fissel, Esquire, Brock & Scott, PLLC</u>
Debtor's Counsel:	<u>Joseph J. Rogers, Esquire</u>
Property Involved ("Collateral"):	<u>179 Pennsbury Ln, Woodbury, NJ 08096</u>

Relief sought: ☒ Creditor's Certification of Default

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Certification is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 4 months, from May 1, 2023 to August 1, 2023.
- ☒ The Debtor is overdue for 4 payments at \$1,767.55 per month.
- ☐ The Debtor is assessed for _____ late charges at \$ _____ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$ _____ received after the motion was filed.
- ☒ There is currently \$1,454.66 being held in Debtor's suspense account.

Total Arrearages Due: \$5,615.54

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$800.00. Payment shall be made no later than August 31, 2023.
- ☒ Payment for the balance of arrears shall be made in the amount of \$4,815.54. Payment shall be made no later than September 30, 2023.
- ☒ Beginning on September 1, 2023, regular monthly mortgage payments in the amount of \$1,767.55 shall resume.
- ☐ The amount of \$ _____ shall be capitalized in the Debtor's Chapter 13 plan. Debtor shall file a Modified Plan within 15 days of entry of this Order.

3. Payments to the Applicant shall be made to the following addresses:

- ☒ Immediate payment: Freedom Mortgage / Attn: Bankruptcy
Department, 10500 Kincaid Drive, Fishers, IN
46037
- ☒ Regular monthly payment: Freedom Mortgage / Attn: Bankruptcy
Department, 10500 Kincaid Drive, Fishers, IN
46037
- ☐ Monthly cure payment: _____

4. In the event of Default:

☒ If the Debtor fails to make the immediate payments specified above or fails to make any regular monthly payment within thirty (30) days of the date it becomes due, then the Applicant may obtain an Order vacating, terminating, and/or annulling the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ If the bankruptcy case is dismissed or converted, this Agreement is void and the instant bankruptcy case will not act to impose the automatic stay against the Applicant's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$200.00.

The fees and costs are payable:

- ☒ through the Chapter 13 plan.
- ☐ to the Applicant within _____ days.
- ☐ Attorneys' fees are not awarded.

In re:
William J Leighton
Debtor

Case No. 19-25452-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Sep 13, 2023

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 15, 2023:

Recip ID	Recipient Name and Address
db	+ William J Leighton, 179 Pennsbury Lane, Woodbury, NJ 08096-5149

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 15, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 13, 2023 at the address(es) listed below:

Name	Email Address
Barbara J. Snively	on behalf of Debtor William J Leighton jjresq1@comcast.net
Denise E. Carlon	on behalf of Creditor FREEDOM MORTGAGE CORPORATION dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
Matthew K. Fissel	on behalf of Creditor FREEDOM MORTGAGE CORPORATION wbecf@brockandscott.com matthew.fissel@brockandscott.com
Matthew K. Fissel	

District/off: 0312-1

User: admin

Page 2 of 2

Date Rcvd: Sep 13, 2023

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor Freedom Mortgage Corporation wbecf@brockandscott.com matthew.fissel@brockandscott.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7